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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR CORONA,

Defendant.

Case No. 2:18-cr-00310-JCM-EJY

**Stipulation to Amend March 16 Minute Order
Regarding Continuance of Trial Date to
Include Case-Specific Speedy Trial Findings
(ECF No. 36)**

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and DANIEL CLARKSON, Assistant United States Attorney, counsel for the United States of America, and MICHAEL CASTILLO, counsel for Defendant OSCAR CORONA, that this Court amend its Minute Order, dated March 16, 2020, in which it ordered that the calendar call scheduled for April 1, 2020, at 1:30 p.m., and the trial scheduled April 6, 2020, at 9:00 a.m. be vacated and set to July 22, 2020, at 1:30 p.m. and the trial to July 27, 2020, at 9:00 a.m. The parties request that the Court amend the order to include case-specific findings that the continuance is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). This request is based on the following reasons:

1 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of
2 Nevada issued Temporary General Order 2020-03 (the “General Order”), which found that due
3 to the outbreak of the coronavirus disease 2019 (“COVID-19”) in the District of Nevada, the
4 declaration by the Governor of the State of Nevada of a public health emergency due to the
5 spread of COVID-19 in Nevada, and the declaration of local emergencies by local governments
6 due to COVID-19, including Clark County, the Court has sustained “reduced ability to obtain an
7 adequate spectrum of jurors” as well as the effects of public health recommendations, including
8 “social distancing measures.” The General Order accordingly continued all civil and criminal
9 trials until April 10, 2020, pending further order of the court and found that “the ends of justice
10 are best served by ordering the continuances, which outweighs the best interests of the public and
11 any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

12 2. On March 16, 2020, this Court entered a Minute Order continuing the calendar
13 call to July 22, 2020, at 1:30 p.m. and the trial to July 27, 2020, at 9:00 a.m. “[d]ue to the
14 evolving health crisis in the community regarding COVID-19, and consistent with the
15 recommendations of the CDC to ensure the safety of the community through social distancing.”
16 The Minute Order attached Chief Judge Du’s order. ECF No. 36.

17 3. On March 30, 2020, the Chief Judge issued Temporary General Order 2020-05,
18 which noted that “the Judicial Conference of the United States found that emergency conditions
19 due to the national emergency declared by the President have affected and will materially affect
20 the functioning of the federal courts generally.” TGO 2020-05 further stated that felony pleas
21 and sentencings could not be conducted in person without “seriously jeopardizing public health
22 and safety” and should only be held via video conference if postponing the proceedings would
23 cause “serious harm to the interests of justice.” TGO 2020-05 remains in effect.
24

4. The additional time ordered by the Court in its March 16 Minute Order is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(A) (“any period of delay resulting from a continuance granted by any judge on his own motion”), and 18 U.S.C. § 3161(h)(7)(B)(i) (“the failure to grant such a continuance in the proceedings would be likely to make a continuation of such a proceeding impossible”).

CONCLUSION

Based on the foregoing, the parties stipulate and respectfully request that the previous order vacating the calendar call scheduled for April 1, 2020 at 1:30 p.m., and the trial scheduled April 6, 2020 at 9:00 a.m. and re-setting those to July 22, 2020 at 1:30 p.m. and the trial to July 27, 2020 at 9:00 a.m. be amended to include the specific factual findings included above.

DATED: June 10, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United State Attorney

s/ Daniel Clarkson

DANIEL CLARKSON
Assistant United States Attorney

/s/ Michael Castillo

MICHAEL CASTILLO
Counsel for OSCAR CORONA

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 OSCAR CORONA,

7 Defendant.

Case No. 2:18-cr-00310-JCM-EJY

Order

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court finds that:

11 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of
12 Nevada issued Temporary General Order (“TGO”) 2020-03, which found that due to the
13 outbreak of the coronavirus disease 2019 (“COVID-19”) in the District of Nevada, the
14 declaration by the Governor of the State of Nevada of a public health emergency due to the
15 spread of COVID-19 in Nevada, and the declaration of local emergencies by local governments
16 due to COVID-19, including Clark County, the Court has sustained “reduced ability to obtain an
17 adequate spectrum of jurors” as well as the effects of public health recommendations, including
18 “social distancing measures.” The General Order accordingly continued all civil and criminal
19 trials until April 10, 2020, pending further order of the court and found that “the ends of justice
20 are best served by ordering the continuances, which outweighs the best interests of the public and
21 any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

22 2. On March 16, 2020, this Court entered a Minute Order continuing the calendar
23 call to July 22, 2020, at 1:30 p.m. and the trial to July 27, 2020, at 9:00 a.m. “[d]ue to the
24 evolving health crisis in the community regarding COVID-19, and consistent with the

1 recommendations of the CDC to ensure the safety of the community through social distancing.”
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3 3. On March 30, 2020, the Chief Judge issued Temporary General Order 2020-05,
4 which noted that “the Judicial Conference of the United States found that emergency conditions
5 due to the national emergency declared by the President have affected and will materially affect
6 the functioning of the federal courts generally.” TGO 2020-05 further stated that felony pleas
7 and sentencings could not be conducted in person without “seriously jeopardizing public health
8 and safety” and should only be held via video conference if postponing the proceedings would
9 cause “serious harm to the interests of justice.” TGO 2020-05 remains in effect.

10 4. The additional time ordered by the Court in its March 16 Minute Order is
11 excludable in computing the time within which the trial herein must commence pursuant to the
12 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. §
13 3161(h)(7)(A) (“any period of delay resulting from a continuance granted by any judge on his
14 own motion”), and 18 U.S.C. § 3161(h)(7)(B)(i) (“the failure to grant such a continuance in the
15 proceedings would be likely to make a continuation of such a proceeding impossible”).

16 5. Denial of this request for continuance could result in a miscarriage of justice. The
17 additional time requested by this stipulation is excludable in computing the time within which
18 the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A),
19 considering the factors under 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i).

20 **CONCLUSIONS OF LAW**

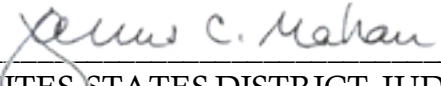
21 The ends of justice served by granting said continuance outweigh the best interest of the
22 public and the defendant in a speedy trial, since the failure to grant said continuance would be
23 likely to result in a miscarriage of justice as it would deny the parties herein the ability to obtain
24 an adequate spectrum of jurors.

1 The continuance ordered on March 16, 2020 is excusable under the Speedy Trial Act, 18
2 U.S.C. § 3161 (h)(7)(A), when the considering the factors under 18 U.S.C. §§ 3161(h)(7)(A), and
3 (h)(B)(i).

4 **ORDER**

5 **IT IS THEREFORE ORDERED** that the calendar call scheduled for April 1, 2020, at
6 1:30 p.m., and the trial scheduled April 6, 2020, at 9:00 a.m. be vacated and the calendar call set
7 to July 22, 2020, at 1:30 p.m. and the trial to July 27, 2020, at 9:00 a.m.

8 DATED June 12, 2020.

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UNITES STATES DISTRICT JUDGE
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